

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA

v.

NICHOLAS YAKOUMAKIS and
JOSH FONFRIAS,

Defendant.

Criminal Action Number 3:08CR272-
04 & 05

MEMORANDUM OPINION

This matter is before the Court on the *pro se* “motion to account for defendants’ restitutions” filed by defendants Nicholas Yakoumakis (“Yakoumakis”) and Josh Fonfrias (“Fonfrias”) (collectively “defendants”). Defendants, who pled guilty to Trafficking in Contraband Cigarettes and Aiding & Abetting (18 U.S.C. § 2342) (both defendants), Money Laundering and Aiding & Abetting (18 U.S.C. § 1956) (both defendants), and Conspiracy (18 U.S.C. § 371) (Fonfrias only), entered into plea agreements with the United States. As part of their respective plea agreements, both defendants agreed to make restitution for the amount specified and both waived their right to appeal any sentencing issues. *See* Plea Agreements (Docket No. 92, ¶¶ 6 & 10 and Docket No. 116, ¶¶ 5 & 9); Statements of Fact (Docket No. 93, ¶¶ 7 & 10 and Docket No. 117, ¶¶ 7 & 9).

The government has responded to the *pro se* motion with a very thorough response that sets out in great detail how the defendants’ restitution amounts were calculated and the factual and legal basis for such. *See* Gov’t’s Response (Docket No. 187) which correctly references the provisions in the plea agreements and statements of facts agreed to and signed by the defendants, the applicable paragraphs of the Presentence Reports for each defendant, and the relevant statutes and Sentencing

Guidelines provisions. Accordingly, since a detailed accounting has been provided by the government, the defendants' *pro se* "motion to account for defendants' restitutions" will be denied as moot.

An appropriate Order shall issue.

June 25, 2010

DATE

/s/

RICHARD L. WILLIAMS
SENIOR UNITED STATES DISTRICT JUDGE